EXHIBIT J

PART 4

use palm button switches; am I right?

A. Yes. In this situation, there was only one set of palm button controls. It was a small press brake, and there was only one operator involved in the operation of the machine.

Q. Are there two types of set-ups with regard to palm button switches, a single set?

A. I don't understand your question.

Q. Are there two types of set-ups that you can have a palm button switch, meaning you have to press both buttons at the same time or that you can press one and press the other one at a different time; am I correct?

A. It all depends on how the electrical system is designed.

Q. Would you tell me what the different types are called?

A. The original palm button stations were designed with no consideration between the two actuating switches, where one could be depressed, and a significant time later, the second one could be depressed and cause motion.

Q. What's that called, what kind of timing device is that?

A. There is no timing device in that.

Q. What is that palm button switch called, though?

A. (Shaking head.)

Q. Am I correct that there's a particular name for that?

A. If you have a name, why don't you tell me what your name is and I'll confirm whether it's what I'm indicating now.

Q. Well, my understanding is one is a concurrent switch and one is a simultaneous switch.

A. (Shaking head.)

Q. A concurrent switch is one where, if you hit the one button and then a time elapses and hit a second button, it will cycle the machine. Are you familiar with that?

A. And you're saying the distinction between concurrent and simultaneous is the simultaneous has to be done in less than half a second?

Q. Yes.

A. Well, that's the common thinking today.

Q. What is?

A. The distinction between concurrent and simultaneous.

Q. So tell me, do you understand the distinction between a concurrent and simultaneous switch?

A. Yes.

Q. What is a concurrent switch?

A. It is as I initially started describing, is one switch is down, and then the other one can be actuated at any period of time after the first one is depressed if the first one is held depressed, and a cycle would occur on the given machine --

Q. Okay.

A. -- that the palm button station is connected to.

Q. What is a simultaneous switch?

A. Well, early on, before we move into simultaneous, the industry moved into concurrent with a less than 1 second time between the two, and that was the understood time constraint even under concurrent operation. If you didn't have them concurrently actuated within a second of each

other, then you would not be allowed to cycle the machine.

Today the industry has gotten more specific and drawn the distinction, and actually in the early '80s California started the ball rolling and Cal OSHA required a less than .5 second actuation of the two palm button switches in order to initiate machine motion.

Q. Well, when it has less than a .5, is it called simultaneous?

A. That's what it has evolved into today, simultaneous, and actually that is in the process of changing too.

Q. Okay. Would you agree, sir, that the ANSI standard as it relates to presses utilizes the term "concurrent" --

MR. ROBINSON: I'll object to the form of the question.

Q. -- as it relates to two palm button switches?

A. Which version are you talking about?

Q. The most recent version.

A. Uses concurrent, I think that probably would be correct.

Q. And would you agree, sir, or do you have an opinion today as to whether or not the simultaneous activation of a two palm button switch is safer --

MR. ROBINSON: Objection.

Q. -- than a concurrent activation of a two palm button switch?

MR. ROBINSON: I didn't mean to interrupt, my apologies. Objection to the form.

A. Whether you call it concurrent or regardless of what you call it, if the action of the control circuit is the same, there's no difference between them. And incidentally, concurrent and simultaneous are being replaced by synchronous; that's going to be the new term, "synchronous."

Q. But we don't have that term yet. So we're talking about old machines and old palm buttons, and back in '78 concurrent was a very specific definition; am I correct?

A. No. That's one of the problems, concurrent was never really specified as to less than 1 second or less than .5 seconds.

Q. But concurrent did mean, if you hit

one button and hit a second button at a later time, the machine would cycle, correct?

A. Yeah, but that was a requirement that was linked more to the anti tie-down feature than it was concurrent.

Q. Well, when ANSI speaks to two palm button switches on presses, whether it be punch press or press brake, it uses the term "concurrent" and has only used the term "concurrent"; am I correct?

A. Yes.

Q. And you understand as a safety engineer that concurrent when it was first adopted back in the '70s was not simultaneous, did not mandate simultaneous as we know it today; am I correct?

MR. ROBINSON: I'll object to the form of the question.

A. Back in the '70s concurrent -- the language in general did not get into that level of specificity.

Q. So a concurrent two palm button switch in '78 would allow you to hit the device, hit one palm button, and at a later time hit the

other palm button, and it would cycle, correct?

MR. ROBINSON: I'll object to the form of the question.

A. It could do that. It all depended on how the manufacturer of the palm button station and the control logic decided to do it.

Q. It would satisfy the ANSI requirement if you could hit the one button and then a minute later hit the other button and cycle the machine for two palm button switches?

A. I suppose it would, yes.

MR. ROBINSON: I'll object to the form of the question.

Q. Would you agree that simultaneous as you defined it, less than a half a second lapsing between the pressing of the buttons, is a safer design than not having a time limit on the two palm button switch?

MR. ROBINSON: Objection to the form.

A. I can't say that I really ever thought about simultaneous being safer than concurrent.

Q. So you have no opinion as to whether

or not simultaneous is safer than concurrent?

A. Correct.

Q. And you have no opinion as to whether or not concurrent is safer than simultaneous?

A. Correct.

Q. You don't know which one is safer?

MR. ROBINSON: I'll object to the form of that question.

Q. You can answer.

A. I object to the inference that you're suggesting that I don't know what is safe and what is not safe.

Q. I'm asking you with regard to two palm button switches and one that's a concurrent device as opposed to one that's a simultaneous device.

A. I don't agree with your definition of concurrent and simultaneous. I want you to show me where it's codified that simultaneous means .5 seconds. If you could show me that now and show me that concurrent says something longer than that, you know, then I'll give you that there is a distinction between them. But I'm saying I

could pick up any code or any standard and see "concurrent" in there and interpret it any way I want, and I can pick up any standard that says "simultaneous" and interpret that any way I want.

Q. I would like you to pick up any standard as it relates to press brakes and show me where it says simultaneous is utilized in conjunction with two palm button switches?

A. Well, don't --

Q. Please, do you have one?

MR. ROBINSON: Hold on, let me make the objection here. I don't know if we have every -- If you have a standard you want to show him, that's the way to do it, Mr. Hartman, but to suggest that he has the library here and the means to just pull out any one word or two words from all of the ANSI standards is argumentive, harassing, and misleading.

MR. HARTMAN: Fine, you can make your objection.

BY MR. HARTMAN:

Q. I'm saying to you, sir, that there is a difference that you know of as a safety professional between the use of concurrent and

simultaneous; is there not?

A. Yes.

Q. Okay. The difference as you understand it to be is simultaneous means to you less than .5 seconds between the depression of the pedals -- the palm buttons on a two palm button switch; am I correct?

A. Yes, it could be palm button stations, yes.

Q. Concurrent means a time greater than .5 seconds with regard to --

A. It doesn't have to.

MR. ROBINSON: Objection.

A. No. It could be greater, it could be less.

Q. But it would -- But concurrent includes the permission to allow it to be greater, whereas, simultaneous says it must be less than .5 seconds, to you?

A. Yes. But show me where that's required in any standard, Mr. Hartman.

Q. Sir, I'm not --

A. What I feel --

Q. I'm not the witness today.

A. -- what I think is not dictating what industry is doing, except until we get the new standard out, and then it will be more clearly laid out.

Q. Okay. Is it going to be more clearly laid out in the new standard?

A. Well, it's going to be using the word "synchronous" instead of either of those two crummy terms.

Q. And what does synchronous mean?

A. Yes.

Q. What does it mean?

A. Synchronous?

Q. (Nodding head.)

A. That's at the same time within a half second, and it's going to be clearly laid out, and that's going to be in the new B 11.1 standard.

Q. So you're here as a safety professional, and I'm -- and I don't mean to take issue with you, but I'm looking for what your opinions are, sir.

MR. ROBINSON: Yeah, and let's object to that because I don't think these issues

were laid out in the report at all, and to throw out new issues and to suggest that you're going to get opinions on all issues from the witness without any type of preparation by the witness at all on the issues I think is very misleading and inappropriate.

MR. HARTMAN: I'm merely reciting what the witness has stated in his report and trying to find out exactly what he knows and what he means when he talks about -- And I refer you to page 6 of your 7-page report, where you state the second -- it might the third full paragraph, a dual palm button control requires simultaneous activation of two push buttons by both hands in order to initiate machine motion.

BY MR. HARTMAN:

Q. Am I correctly reading your report?

A. Yes.

Q. And am I correct that you indicate that a dual palm button control requires the simultaneous actuation of two push buttons by both hands?

A. Yes.

Q. Am I correct that that is your

opinion; that is not a code requirement?

A. Oh, because I use simultaneous instead of concurrent?

Q. Yes.

A. That's just a selection of a word there.

Q. Well, sir, that selection of the word is important when we talk about two palm button switches because the code speaks to a different term; am I correct?

A. You mean concurrent?

Q. Yes.

A. Sure.

Q. Okay. And concurrent to you could be simultaneous, but it could also be something where the lapse of time between striking the two buttons is a much greater time; am I correct?

A. Or much less, yes.

Q. Well, it can't be less because simultaneous is less than .5 of a second, though; can it?

MR. ROBINSON: Objection.

A. So concurrent could be less than .2 seconds; couldn't it?

Q. Yes. But concurrent --

A. So that would be less than .5, which is less than simultaneous.

Q. Okay. But concurrent means that there is no prescribed amount of time between pushing the two button times that is mandated, correct?

A. Is that your interpretation because that's --

Q. I'm asking you.

A. Sounded like your statement to me.

Q. It's a --

A. No, I don't know of any, any specification that defines what concurrent is.

Q. And the standard uses concurrent?

A. Yes.

Q. And you use the word "simultaneous"?

A. Yes, I do.

Q. And simultaneous means less than .5 of a second?

A. Yes, I'll go along with that.

Q. Would you --

MR. ROBINSON: Let me object. That question has been asked and answered many, many

times.

Q. Why do you say a dual palm button control requires the, requires the, simultaneous actuation as opposed to it requires the concurrent actuation?

A. Because when I wrote that, I was thinking the same time, which is what simultaneous means, at the same time.

Q. Oh, so you're using it in basically not a --

A. It's an English word. It's not a -- Well, I guess it's now a legalese word, which means a half of a dozen different things.

Q. Well, it's an engineering word because simultaneous -- I'm asking you an engineering term. I'm using --

MR. ROBINSON: Let me object to the statement. It is an English word. To suggest it's not an English word and it's only an engineering word is argumentive.

MR. HARTMAN: Paul, I appreciate it, but, you know, your objections are well noted. I disagree with them. I think that this witness knows exactly what the issue is as it relates to

this here.

BY MR. HARTMAN:

Q. My question is: Do you mean simultaneous in that a two palm button control must be less than .5 of a second or do you mean it just generally, you have to hit the button with one hand and hit the other button with the other hand or at some other time?

MR. ROBINSON: I'll object to the form of that question.

A. No.

Q. What do you mean by that, tell me?

A. What I just said before.

MR. ROBINSON: Objection, asked and answered. You can answer it again, but you asked it and he's answered it a number of times.

Q. What do you mean by that sentence?

A. The control requires the two buttons to be actuated at the same time. That's all I meant by that.

Q. When you say "at the same time," would that include if you hit one button and then at a later date hit the other button?

A. It may.

Q. Okay. Thank you.

Let's go back to page 3, please, under the topic "The Occurrence Involving Tina Lindquist"; are you there?

A. Yes.

Q. You indicate that, in the first paragraph, "The forming job requires four different set ups of the press brake." What do you mean by "four different set-ups of the press brake"?

A. The testimony that I reviewed, deposition testimony from other individuals, indicated that it was a four-step process where the set-up man had to insert one set of dies and Ms. Lindquist had to form the part with that set of dies; and then that die set had to be changed out with another set and she formed the second bend; and then that die set had to be changed out to a third pre bend or a third operation, which it was called a butterfly operation, and all of the parts had to be formed using that die set; and then the fourth bend, which was the cylindrical forming die, was installed and all of the parts had to be formed using that die.

Q. And you indicate that, approximately, 200 parts were being formed?

A. That's what I gleaned from the testimony.

Q. Is your understanding of the job that Ms. Lindquist was performing on the day of her accident a job that you would typically expect to be performed by press brakes?

MR. ROBINSON: I'll object to the form of the question.

A. I can't really say. I've not seen the actual part, drawing of the part or the actual shape of the part at the beginning or at the end. My presumption was that the part was a flat blank to begin with and that it was a round cylinder when it finished the four operations. Whether that could be done on some type of other machine, I've not had the opportunity to make that evaluation.

Q. But my question is -- Let me be a little bit more clear. Would you agree, sir, that the forming of the parts as you understand them to be formed would be a use of the press brake that was expected?

MR. ROBINSON: I'll object to the form of the question.

A. Yes, it could very well be; although, I don't, I don't know what the butterfly operation encompassed. I didn't see any specific information in the testimony describing that.

Q. How about the final forming the piece on the mandrel and letting the press interface with the piece then to make it a complete cylinder, is that something that you would expect a press brake to be utilized in doing?

A. Yes. I've seen that type of forming work on press brakes in the past.

Q. The next paragraph, you indicate, "Forming of the cylindrical shape required the operator to manually preform the part around the mandrel." Is that an accurate statement?

A. Yes, that's what I said there.

Q. Do you still hold true to that?

A. That's the way I understand what was happening from the testimony I reviewed.

Q. "This pre-forming was accomplished on the actual mandrel which served as the lower

half of the forming die set while it was position in the machine"; am I correct?

A. Yes.

Q. Do you still hold to that statement?

A. I have not received any information to contradict that from the testimony I've reviewed.

Q. Your next sentence is: "Therefore it was necessary for Ms. Lindquist to place her hands between the upper and lower die to fit the part around the mandrel"; is that an accurate statement?

A. Yes.

Q. And you still believe that to be true?

A. Yes.

Q. Do you know the capacity of the press brake involved in this accident?

A. My understanding, it was a 70-ton capacity machine.

Q. Do you know how many parts it could form in a day or is there any way to determine that or how many parts would you expect to be formed in a day?

MR. ROBINSON: I'll object to the form of that.

A. There's no way to make that determination.

Q. Okay. The next paragraph indicates that you believe that Mr. Rooney was in charge of setting up the machine and changing the dies after the operator completed each of the previous operations on the entire lot, correct?

A. I don't --

MR. ROBINSON: Just so I understand, what are you asking him when you say "correct"; are you saying is that what it says?

MR. HARTMAN: I'm asking did I read it basically correctly.

MR. ROBINSON: Okay. That's what I wanted to make sure because you said that a number of times.

MR. HARTMAN: Then I'm going to ask if he agrees with it. When I ask you do you still hold true to that opinion today, then I want to know.

MR. ROBINSON: I just didn't know what you meant by --

MR. HARTMAN: That's fine.

MR. ROBINSON: When you read it and you say "correct," I don't know what that means. It's not really a question.

BY MR. HARTMAN:

Q. It says: "The press brake was set up by Corry employee Robert Rooney. Mr. Rooney would change dies for each of the four operations on the part after the operator completed each previous operation on the entire lot." Did I correctly read your statement?

A. Yes.

Q. Do you still hold true to that opinion after reviewing the evidence?

A. Yes.

MR. ROBINSON: Let me object to the reference to the term opinions, but --

Q. Okay. Is that accurate still today?

A. This is the information -- I've not received any information to contradict that statement.

Q. This is the information that you're utilizing to make your opinions, though, correct?

A. The information here is from what I

learned reading the discovery information.

Q. But this is your understanding of what you've learned in reading the discovery information that you're relying upon to make your opinions in your report; am I correct?

A. Yes.

Q. Let's go down to the next sentence. It says: "With the final die set in the machine to make the round shape, the distance between the upper and lower die components is estimated to be approximately 2-and-one-quarter inch. This is the space within which the operator had to place the" parts -- "the part and preform it around the mandrel," and then have you in parentheses, "with her hands" close paren, period. Did I accurately read that statement?

A. Yes.

Q. Is that the information that you pulled out of the materials sent to you by Mr. Robinson that you utilized to make your opinion?

A. Except for the estimate, that estimate was my own conclusion based upon the material I read.

Q. But these are the facts that you relied upon in making your -- reaching your conclusions, correct?

A. I don't understand what you're asking.

Q. This is your understanding as to what happened on the day of the accident --

A. What Ms. Lindquist was doing at the time.

Q. -- and what Ms. Lindquist was doing and what her responsibilities were for you to formulate your opinions; am I correct?

A. Yes.

Q. Next it indicates that: "Ms. Lindquist was positioned in front of the press brake with a tray of parts to her side. She had positioned the foot switch operator control between her and the front of the machine. A stool was positioned behind her." Did I accurately read your report?

A. Yes.

Q. Are those the facts that you pulled from the discovery materials sent to you by Mr. Robinson upon which you relied upon in making

your opinion?

A. Yes.

Q. It's your understanding that there was a stool at the point of operation; am I correct?

A. No.

Q. There was a stool positioned behind her?

A. Yes.

Q. Do you find any fault with having a stool located in proximity to Ms. Lindquist while she's operating the press brake?

A. No.

Q. You indicate that the foot switch operator control was between her and the front of the machine; am I correct?

A. Yes.

Q. Do you find any fault with the location of the foot control as it being placed between Ms. Lindquist and the machine?

A. No.

Q. Is that something that you would expect a typical operator to do when operating a press brake?

A. Yes.

Q. Let's go to the next paragraph, please. It says, "Ms. Lindquist testified that she did not activate the foot switch," correct?

A. Yes.

Q. You disagree with that; am I correct?

A. Yes.

Q. You believe that she did activate the foot switch?

A. Yes.

Q. Do you agree that it was an inadvertent activation of the foot switch?

A. Yes.

Q. There's nothing to indicate that she intended to activate the foot switch with her hands in the machine; is there?

A. Yes -- No, correct.

Q. You don't believe that she intended to do this; am I correct?

A. I have no information to determine that one way or another.

Q. You indicate that, "Other Corry employees testified that Ms. Lindquist had to be

riding the foot switch and inadvertently depress the actuating pedal as her body position shifted forward as she was reaching into the die area." Did I correctly read that?

A. Yes.

Q. And is it my understanding that your -- Do you believe that she was riding the foot switch?

A. Yes.

Q. Okay. Is that because of what the other Corry employees have testified to?

MR. ROBINSON: Let me object to the form of that question.

Q. Or is it something else?

MR. ROBINSON: I'll object to the form of that. I don't know if it's an either/or.

A. It's a combination of the experience that I have over the years and the information that I received reading the discovery material.

Q. What experience do you have over the years that would lead you to believe that on the day of this accident Ms. Lindquist was riding the foot pedal -- the foot control? I'm sorry.

A. Inadvertent actuations are often the

result of shifting weight where people have their foot on the foot control and they move from one position to another, their upper body moves from one position to another, and their weight shifts from their heel to their toe on their foot, and as a result, the foot switch is depressed, and that only happens when the foot is remaining inside the foot switch.

Q. Would you agree, sir, that inadvertent activation can occur as a result of someone's foot going from outside of the foot control inadvertently going inside to the foot control and activating the foot pedal in that mechanism?

MR. ROBINSON: Let me object to the form of that question.

A. That's a possibility, depending upon the type of foot switch that's used for the operation of the machine.

Q. With regard to the foot switch, the Model 511, would you agree, sir, that inadvertent activation can occur by -- when someone's foot is outside of the foot control and inadvertently goes into the foot control as long as it goes far

enough back to hit the latch?

MR. ROBINSON: Let me object to the form of the question.

A. Well, that qualification changes the situation that I believe was taking place at the time of Ms. Linquist's occurrence. Your foot is not going to go 5 inches into the foot control, into the housing, release the toe release, and depress the pedal just by a shifting of the weight.

And there was no reason that I could see from the testimony that I reviewed that caused Ms. Lindquist to make any kind of foot movements when she went from one position to another retrieving a part and loading it. I saw no indication that she was moving anywhere.

Q. You saw no indication that she was not moving either; am I correct?

MR. ROBINSON: Let me object to the form of that question.

A. Well, I think there's sufficient information in the testimony that properly led me to the conclusion that she was staying and remaining in a stationary position.

Q. What testimony did you rely upon to come to that conclusion that she was remaining in the station?

A. The description of where she was located, and where the foot switch was, and where the stool was, and just, you know, what she was doing at the time led me to believe that she wasn't moving, she wasn't going anywhere, she was stationary.

Q. Well, explain to me what your understanding is as to what she was doing at the time as to make her stationary.

A. She was retrieving parts from one side of her, either the right or the left, it doesn't specify, putting them into point of operation, which was very close to her, in front of her, and then taking the finished part and moving it to another station to the other side and just going like this. (Indicating.) And there was no need for her to move. Maybe reach to the far side of the pallet to retrieve parts or to discharge parts, but no need -- on the size part that I understand was taking place here, a relatively small part from the photographs that I

was able to view, there was no need for her to be mobile at all.

Q. Do you know whether she was sitting or standing or leaning?

A. No. I think I state this in my report, that there's no definitive evidence that shows whether she was standing, leaning or sitting at the time.

Q. Would that have any bearing on your understanding as to what she was doing with her foot at the time this accident occurred?

A. It may. If there's no -- If she's sitting, completely sitting, there's no real weight on her feet. It's really actually more dangerous that way, but it still doesn't really change the end result.

Q. What is more dangerous?

A. Well, if she leaves her foot inside the HOOD, I think the leaning, shifting of weight, has more of a likelihood to cause that switch to be fully released and then reactivated.

Q. If you're sitting?

A. I think so, yes.

Q. But sitting is an appropriate way to

operate the press brake at the time she was injured; am I correct?

A. An acceptable --

MR. ROBINSON: Objection to form.

A. I'm not going to -- I'm sorry.

MR. ROBINSON: That's okay.

A. I'm not going to say appropriate. I don't have a problem with people sitting when they're operating press brakes, if they are properly safeguarded.

MR. ROBINSON: I'm sorry, if they are what?

THE WITNESS: If they are properly safeguarded.

MR. ROBINSON: Thank you.

BY MR. HARTMAN:

Q. Are you relying upon what the other Corry employees have said in their testimony to come to the conclusion that Ms. Lindquist was riding the pedal?

A. Partially.

MR. ROBINSON: Yeah. Let me object to the form. You asked that before, and the witness responded that there were a number of

factors, and your question if read back to a jury or a court later would suggest that it was the only factor.

MR. HARTMAN: No.

BY MR. HARTMAN:

Q. As part of your decision that she was riding the pedal, are you relying upon other Corry employees?

A. Partially, yes.

Q. What have they said to make you believe that she was riding the pedal?

A. Paraphrasing, their comments were that, after the occurrence, they inspected the machine, operated the machine with the foot control, and found it to be operating in all respects -- operating properly in all respects, excuse me, and determined that there was no -- or there was no likelihood of a phantom-type cycle, so it had to be operated or cycled using the foot switch, and that Ms. Lindquist was more than likely riding the foot switch to cause that to happen.

Q. Well, do you know whether or not the other employees are capable of making the leap

from the machine was operating properly, therefore, the foot pedal had to be utilized to activate the machine to conclude that she was riding the foot pedal?

MR. ROBINSON: Let me object to the form. That isn't what was said by the witness or by the witnesses that have been referenced.

Q. Go ahead, you can answer.

A. Yes.

Q. You are relying upon their -- You know that they -- How did they reach the decision?

A. You asked me a question, and I answered it yes, and I get the impression that you forgot what the question was.

Q. I did.

A. Maybe you ought to ask her to read it back.

Q. Well, maybe I'll ask them the way I feel like it, and there's no need for us to be confrontational.

MR. ROBINSON: That was --

MR. HARTMAN: I'm talking, I'm talking.

MR. ROBINSON: Don't start raising

your voice and suggesting that the witness is being confrontational.

MR. HARTMAN: There's no need to be wise. And if you ask me if I forget something, I will, and just like when I ask you if you know something, I expect you to give me a full answer. Okay. I'm not playing games with you; I expect you not to be with me.

MR. ROBINSON: Now, for my comment.

MR. HARTMAN: Go ahead.

MR. ROBINSON: You don't need to be harassing. You don't need to make statements. You apparently are offended that you forgot your question --

MR. HARTMAN: No.

MR. ROBINSON: -- that he answered.

MR. HARTMAN: No.

MR. ROBINSON: Let me finish, please, please give me that courtesy.

MR. HARTMAN: I will, you deserve it.

MR. ROBINSON: Thank you. So to suggest that you didn't get a full answer when you don't even remember your question is kind of rude,

it's kind of rude, Mr. Hartman. And then for you to raise your voice as you did because you're upset that you forgot your own question, why don't we just move on, and maybe have the court reporter to read it back would be the smart thing to do or ask another question, rather than get confrontational with the witness, please.

MR. HARTMAN: Paul, you know, I love the way you twist and manipulate as you always do. The fact --

MR. ROBINSON: We've heard that from you before, Mr. Hartman.

MR. HARTMAN: The fact is that I can acknowledge mistakes, unlike some people in the room, specifically yourself.

MR. ROBINSON: The record is going to show that you cannot acknowledge your mistake, the way you reacted to this witness.

MR. HARTMAN: No. I reacted to him being wise, telling me how to ask my questions.

MR. ROBINSON: It will speak for itself, please. There's no need for us to continue talking about it. What else do you have to say about it?

MR. HARTMAN: I'm going to talk about it as long as I feel like it.

MR. ROBINSON: Then keep talking about it.

MR. HARTMAN: I will, I will.

MR. ROBINSON: What else do you have to say about it, Mr. Hartman?

MR. HARTMAN: I'm going to continue asking my questions.

MR. ROBINSON: Sure. What else do you have to say about this issue?

BY MR. HARTMAN:

Q. My question, sir, specifically is: Are you relying upon the co-employees of Corry, other than the fact that they saw the machine recycle, to come to the conclusion that Ms. Linquist's foot was in -- she was riding the foot pedal?

MR. ROBINSON: Objection to the form, asked and answered.

Q. Okay.

A. I don't recall seeing any testimony indicating that any employee saw the machine cycle at the time of Ms. Linquist's occurrence. As a

matter of fact, I think I read that nobody saw the actual cycle of the machine at the time.

What I remember reading is that a number of people came to the machine after Ms. Lindquist was freed and taken away and tested the machine and verified that it was operating properly in all respects, concluded that the only way to cycle the machine was through use of the palm -- use of the foot switch which was being used by Ms. Lindquist at the time of the occurrence, and that there was no likelihood of a phantom cycle.

You then, you then asked me if I thought that the people at Corry Manufacturing were qualified to make that evaluation, and you expanded on that. And my answer to that was yes, and the reason for that is that they're there every day and they know how people operate the machines, and they see people operating the machines, and they've probably seen Ms. Lindquist operate the machine or other machines, similar machines, prior to the day of her occurrence, and know what their habits are.

Q. Go ahead, I'm sorry.

A. I'm done.

Q. Do you know with regard to the assumptions you're making, specifically with regard to any of the employees, whether or not they've had the opportunity to make the observation that she was riding the foot pedal on the day of the accident?

A. Well, I think that's the natural conclusion from the comments that were made in the testimony, that they make that conclusion based upon their knowledge of what they've seen in the past, in the past from the previous operations.

Q. You're assuming that, though?

A. I think that's a valid assumption, yes.

Q. But you don't know that?

MR. ROBINSON: Object to the form of the question. It's argumentive. You may not like his opinions. I think it's inappropriate to phrase it in a way that you do.

Q. Okay. Do you know whether or not that's true or not?

A. Well, I told you it was a conclusion that I came to by reading the depositions.

Q. Okay. Did you read Ms. Linquist's deposition where she indicated that she had removed her foot from the foot pedal?

A. Yes.

Q. Okay. Did you factor that scenario into your conclusions?

A. Yes.

Q. Okay. And would you agree, sir, that if her foot was outside the foot pedal prior to this accident and inadvertently went into the foot pedal and activated the press brake, that would not have been riding the foot control?

MR. ROBINSON: I'll object to the form of the question.

A. If that's a hypothetical that's based on any kind of fact, yes, but I don't know that there's any evidence that supports that hypothetical.

Q. Well, the evidence is Ms. Lindquist said her foot was outside the foot control after the last time she operated it; am I correct?

MR. ROBINSON: Objection, that's argumentive. That isn't what you just prefaced your question with. You had the question, the

foot being outside, somehow targeting the housing, going all the way back, hitting the anti-trip mechanism, and then depressing the pedal.

MR. HARTMAN: Okay.

MR. ROBINSON: That's what he's talking about. It's argumentive the way you just rephrased it.

MR. HARTMAN: Why don't you let him tell me what he's talking about, as opposed to you telling him his answer.

MR. ROBINSON: No. Your question was very misleading.

MR. HARTMAN: You had your chance to prepare him this morning. If you didn't do a good enough job, then don't do it now while I'm asking the questions.

MR. ROBINSON: See, there again is the unprofessional.

MR. HARTMAN: Sir, my question is --

MR. ROBINSON: Let me finish my statement.

MR. HARTMAN: My question is --

MR. ROBINSON: Hold on,